

AMENDED IN SENATE APRIL 28, 2010

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1269

Introduced by Senator Oropeza

February 19, 2010

An act to add Section 12177.5 to the Government Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1269, as amended, Oropeza. Food donation liability: ~~Secretary of State.~~

Existing law, with specified exceptions, exempts a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank from liability for any damage or injury resulting from the consumption of the donated food. Existing law also exempts from liability any person who donates any agricultural product, as provided. Existing federal law also contains specified exemptions from liability for the donation of apparently fit grocery products to a nonprofit organization. *Existing federal law allows for a tax deduction for charitable contributions of food inventory.*

~~Under existing law every corporation and limited liability company must annually file with the Secretary of State a form containing a statement of information, as provided, and the Secretary of State must mail a notice for compliance with these provisions approximately 3 months prior to the close of the applicable filing period.~~

~~This bill would require the Secretary of State to include a copy of California Department of Food and Agriculture and the California Department of Public Health to make information available, as~~

provided, about certain state and federal statutory exemptions from liability for the donation of food to a nonprofit corporation when he or she mails the notice for compliance and tax deductions for charitable contributions of food inventory.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12177.5 is added to the Government
2 Code, to read:
3 12177.5. ~~A copy of Section 1714.25 of the Civil Code, Chapter~~
4 ~~5 (commencing with Section 58501) of Part 1 of Division 21 of~~
5 ~~the Food and Agricultural Code, Sections 114433 and 114434 of~~
6 ~~the Health and Safety Code, and the Bill Emerson Good Samaritan~~
7 ~~Food Donation Act (Section 1791 of Title 42 of the United States~~
8 ~~Code), shall be included by the Secretary of the State with the~~
9 ~~statement of information reminder notice mailed in accordance~~
10 ~~with Sections 1502, 2117, 6210, 8210, 9660, 12570, and 17060~~
11 ~~of the Corporations Code and Section 14101.6 of the Financial~~
12 ~~Code.~~
13 12177.5. *The Department of Food and Agriculture and the*
14 *State Department of Public Health shall make information*
15 *available on their Internet Web sites, and when possible*
16 *disseminate the information via publication, on food donation*
17 *liability protections as specified in Section 1714.25 of the Civil*
18 *Code, Chapter 5 (commencing with Section 58501) of Part 1 of*
19 *Division 21 of the Food and Agricultural Code, Sections 114433*
20 *and 114434 of the Health and Safety Code, and the Bill Emerson*
21 *Good Samaritan Food Donation Act (Section 1791 of Title 42 of*
22 *the United States Code), and on tax deductions for charitable*
23 *contributions of food inventory as specified in Section 170 of Title*
24 *26 of the United States Code.*